

UNITED STATES DISTRICT COURT

for the

District of Maryland

PWG **19 CV 3388**

MARIO GERALD

Case No.

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

PIONEER CREDIT RECOVERY, INC

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

CLERK'S OFFICE
AT GREENBELT
BY *[Signature]*

2019 NOV 25 P 2:55

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND

COMPLAINT AND REQUEST FOR INJUNCTION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	MARIO GERALD
Street Address	10401 BALSAMWOOD DRIVE
City and County	LAUREL PG COUNTY
State and Zip Code	MARYLAND 20708
Telephone Number	2028600912
E-mail Address	MGERALD109@RAMS.WSSU.EDU

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	PIONEER CREDIT RECOVERY, INC
Job or Title <i>(if known)</i>	
Street Address	26 EDWARD ST
City and County	ARCADE
State and Zip Code	NEW YORK 14009
Telephone Number	5854921234
E-mail Address <i>(if known)</i>	

Defendant No. 2

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 3

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 4

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*



Federal question



Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

15 U.S.C. 1673(A)(2)
PUBLIC LAW 102-164, 20 U.S.C. S1095a et seq

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, *(name)* _____, is a citizen of the
State of *(name)* _____.

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated
under the laws of the State of *(name)* _____,
and has its principal place of business in the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, *(name)* _____, is a citizen of
the State of *(name)* _____ . Or is a citizen of
(foreign nation) _____.

- b. If the defendant is a corporation

The defendant, *(name)*, is incorporated under the laws of the State of *(name)*, and has its principal place of business in the State of *(name)*.
Or is incorporated under the laws of *(foreign nation)*, and has its principal place of business in *(name)*.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the injunction or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?

From March 19, 2019 in Prince George's County, Maryland, Pioneer Credit Recovery, Inc has violated Mario Gerald's rights by abusive acts or practices, violated the Fair Debt Collection Practices Act, violated the consumer financial protection act, unfair acts or practices by way of unlawfully obtaining a United States Government Wage Garnishment Order (SF- 329B) Case Number 1019524235 against Mr. Gerald without given 30 day notice required by Federal Law.

Please see attached brief.

- B. What date and approximate time did the events giving rise to your claim(s) occur?

March 19, 2019 and will occur forever unless a TRO or injunction is granted.

- C. What are the facts underlying your claim(s)? *(For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)*

Please see attached Order of Withholding Case Number 1019524235. Plaintiff, Mario Gerald, am getting up to 25% of my earnings unlawfully garnished every pay check by Pioneer Credit Recovery, Inc through violations of Federal Consumer Protections and deception. Plaintiff never did any business, of any kind with Pioneer Credit Recovery, Inc and Pioneer Credit Recovery, Inc has and had no valid lawful basis for Case No. 1019524235.

IV. Irreparable Injury

Explain why monetary damages at a later time would not adequately compensate you for the injuries you sustained, are sustaining, or will sustain as a result of the events described above, or why such compensation could not be measured.

Plaintiff will have to have up to 25% percent of their bi-weekly wages garnished for the rest of their working life given the deceptive and unfair acts by Pioneer Credit Recovery, Inc. I was not given any notice and I had a constitutional right to be present and be notified of any Court proceeding in the United States where an accusation is made against me. Due Process and specific language in the 14th amendment requires it. I was denied that right by Pioneer Credit Recovery, Inc Due to that, the plaintiff will forever have to have pay, under court order, to a company who I owe no legal or otherwise debt to. That is an Irreparable Injury.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Plaintiff only asks the court to order an Emergency Temporary Restraining Order or Temporary Injunction or other relief on Pioneer Credit Recovery, Inc and Comptroller of Maryland from Withholding any of Plaintiff future earnings.

The amount is at least \$2,800 that has been Withheld from my work earning since March. I was only made aware of the withholding in October of 2019 so I do not know for sure. The basis for claiming that the wrongs alleged are continuing is the attached Order of Withholding and the attached brief.

Plaintiff only asks for the court to stop the Garnishment of Case Number 1019524235 against Mario Gerald and order a Hearing to determine the validity of my claims and if the court order was unlawfully obtained by Pioneer Credit Recovery, Inc

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 11/10/2019

Signature of Plaintiff

Printed Name of Plaintiff


MARIO GERALD

B. For Attorneys

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address